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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
KENNETH VAN AALSBURG,)
)
Defendant.)

No. CR 07-00603 JW

STIPULATION AND [PROPOSED]
ORDER CONTINUING EVIDENTIARY
HEARING REGARDING SENTENCING

This matter is currently scheduled before the Court for an evidentiary hearing regarding the defendant's sentencing on December 3, 2008. After the December 3rd date was agreed to by the parties and set by the Court, the Probation Officer assigned to this matter, Aylin Raya, informed the parties that a scheduling conflict had arisen which would result in her being out of the office on December 3rd. Ms. Raya also indicated that she would be not available to attend an evidentiary hearing in December 2008 until the 15th of that month at the earliest. The parties believe that Ms. Raya's presence at the defendant's evidentiary hearing/sentencing is important in light of the specific facts of this case, and therefore request that the December 3rd evidentiary hearing be rescheduled in order to accommodate Ms. Raya's unexpected scheduling conflict. It is the parties' understanding that the Court would be available to conduct an evidentiary hearing

1 on this matter on December 16, 2008 at 10:00 a.m.

2 The parties therefore agree, and the Court finds and holds, as follows:

3 1. The evidentiary hearing is continued to December 16, 2008 at 10:00 a.m.

4
5 IT IS SO STIPULATED

6 DATED: 11/25/08

/s/
THOMAS NOLAN
Attorney for Defendant Van Aalsburg

8
9 DATED: 11/26/08

/s/
JOSEPH A. FAZIOLI
Assistant United States Attorney

10
11 IT IS SO ORDERED.

12 DATED: Dec. 1, 2008


JAMES WARE
UNITED STATES DISTRICT JUDGE